

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In Re Application of:

DUGAN et al

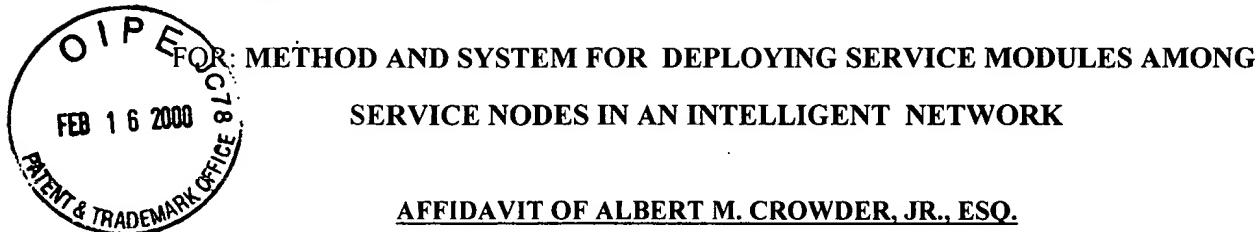
Serial No. 09/421,590

Filed: October 20, 1999

Art Unit: 2756

Examiner: Not Assigned

Attorney Docket: COS-98-021

AFFIDAVIT OF ALBERT M. CROWDER, JR., ESQ.

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

1. I am employed as an Associate Technology Counsel by MCI WorldCom, Inc. (MCI). I am responsible for preparing and filing the above mentioned patent application along with the related declarations and assignments.
2. Ajay Deo, Andrew Dugan, Allen Holmes, Kelvin Porter, and Terence Robb are inventors of the above identified patent application.
3. When contacted regarding execution of the declaration and assignment relating to the above-identified application, Mr. Holmes refused to join in the application and refuses to join in the application to the present time.
4. Due diligence was exerted in trying to obtain the signatures of Mr. Holmes on the assignment and declaration papers. In September, 1999, the above identified patent application, and related declaration and assignment to Mr. Holmes was delivered to his last known addresses at: 5375 Chambrey Court, Colorado Springs, Colorado 80919. I mailed, via overnight delivery, a reminder letter, including copies of the Declaration and Assignment, in February, 1999. Mr. Holmes has steadfastly refused to reply to our requests.
5. MCI believes that it is entitled to file the present application because Mr. Deo, Mr. Dugan, Mr. Porter, and Mr. Robb, co-inventors with Mr. Holmes, have assigned their rights as evidenced by the attached Assignment, Exhibit A. The present patent application will be abandoned by the Patent Office if this affidavit and accompanying petition for filing by other than all inventors is not allowed. It is therefore necessary to petition the United States Patent Office to accept filing of this patent application by other than

all inventors in order to protect MCI's rights in the present invention and to prevent irreparable damage to MCI.

2-11-00
DATE

Albert M. Crowder, Jr.

Albert M. Crowder, Jr.
Attorney for MCI
Reg. No. 28,063

MAILING CERTIFICATE UNDER 37 C.F.R.
§1.8(a)d

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents,

Washington, D.C. 20231 on 2-14-00

Carolyn McRae